

REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)
41145-1001

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 5,916,242, granted June 29, 1999, and for which a

reissue patent is sought on the invention entitled Apparatus for Rapid Cooling of the Brain and Method of Performing Same
the specification of which

☒ is attached hereto.

☐ was filed on _____ as reissue application number _____ / _____
and was amended on _____
(If applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.

☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.

☐ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

At least one error in the claims appears in claims 4 and 5 of U.S. Patent No. 5,916,242 as issued, wherein the limitations of claim 5 appear in the claim from which it depends, being claim 4, such that claim 5 is wholly inoperative or invalid. Specifically, the limitations of step a) and of step b) of claim 5 are identical to the limitations of step b) and of step c) of claim 4, respectively. Accordingly, claim 5 of U.S. Patent No. 5,916,242 as issued is inoperative or invalid.

At least one error in the claims further appears in claim 4, wherein the limitations of claim 5 incorporated therein are not required for patentability, such that Applicant has claimed less than patentee had the right to claim in the patent. Specifically, the limitation of claim 4, step b) relating to an "endotracheal tube" is not a required limitation for a patentable method of inducing hypothermia in a patient's brain.

JUN 27 2001

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PTO/SB/51 (02-01)
Approved for use through 01/31/2004. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

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All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

Name(s) Registration Number

Stephen A. Slusher 43,924

Correspondence Address: Direct all communications about the application to:

☒ Customer Number 005179
Type Customer Number here

Place Barcode Label here
05179

<input type="checkbox"/> Firm or Individual Name		PATENT TRADEMARK OFFICE					
Address		Peacock, Myers & Adams, P.C.					
Address		P.O. Box 26927					
City		Albuquerque		State		NM	
Country		USA		Zip		87125	
Telephone		(505) 998-6130		Fax		(505) 243-2542	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.							
Full name of sole or first inventor (given name, family name) GEORGE R. SCHWARTZ							
Inventor's signature <i>George R. Schwartz</i>				Date 21 June 2001			
Residence Santa Fe, New Mexico				Citizenship USA			
Mailing Address P.O. Box 6670, Santa Fe, New Mexico 87502							
Full name of second joint inventor (given name, family name)							
Inventor's signature				Date			
Residence				Citizenship			
Mailing Address							
Full name of third joint inventor (given name, family name)							
Inventor's signature				Date			
Residence				Citizenship			
Mailing Address							
<input type="checkbox"/> Additional joint inventors are named on separately numbered sheets attached hereto.							

09895623-062701



I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage as Express Mail "Post Office to Address" service, having mailing label number EL847395679US in an envelope addressed to: Box Reissue, Commissioner for Patents, Washington, D.C. 20231, on the date indicated below.

Stacy E. Jenkins
Stacy E. Jenkins, Paralegal

6/27/01
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: GEORGE R. SCHWARTZ

Serial No.: To Be Assigned

Filed:

Patent No.: 5,916,242

Issued: June 29, 1999

For: APPARATUS FOR RAPID COOLING OF
THE BRAIN AND METHOD OF
PERFORMING SAME

Examiner: Unknown

Group Art Unit: 1911

POWER OF ATTORNEY

BOX REISSUE
Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In the matter of the above-entitled Reissue Patent Application, I hereby appoint Stephen A. Slusher, Registration No. 43,924, as my attorney with full power of substitution, association and revocation, to prosecute said application and to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent Office connected therewith.

It is requested that all correspondence regarding this application be directed to:

Stephen A. Slusher, Esq.
PEACOCK, MYERS & ADAMS, P.C.
P. O. Box 26927
Albuquerque, New Mexico 87125-6927



05179

PATENT TRADEMARK OFFICE

and all telephone calls to (505) 998-6130, facsimile (505) 243-2542.

Date: 21 June, 2001

By:

George R. Schwartz
GEORGE R. SCHWARTZ, Applicant

09895623-062701


 Practitioner's Docket N. 41145-1001
PATENT
**REISSUE APPLICATION BY THE INVENTOR, OFFER TO SURRENDER
(37 C.F.R. § 1.178)**

To the Assistant Commissioner for Patents:

1. The undersigned applicant of the accompanying reissue application for the reissue of letters patent for the improvement in Apparatus for Rapid Cooling of the Brain and Patent number 5,916,242 granted to him/her on 06/29/99, of which Method of

☒ he/she is now sole owner,

 Performing
Same

☐

is now sole owner by assignment, and on whose behalf and with whose assent the accompanying application is made,

☐ The "ASSENT BY THE ASSIGNEE" to this reissue application is attached.

Date:

21 June 2001

Signature(s)

GEORGE R. SCHWARTZ

(type or print name(s))

CERTIFICATION UNDER 37 C.F.R. § 1.10*

(Express Mail label number is mandatory.)

(Express Mail certification is optional.)

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on this date June 27, 2001 in an envelope as "Express Mail Post Office to Addressee," service under 37 C.F.R. § 1.10, Mailing Label Number EL84739567945, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Stacy E. Jenkins

(type or print name of person mailing paper)

Signature of person mailing paper

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. § 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

***WARNING:** Each paper or fee filed by "Express Mail" **must** have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. § 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Reissue Application by the Inventor, Offer to Surrender (37 C.F.R. § 1.178)—Assent of Assignee
[17-2]—page 1 of 2)

09895623-062701

ASSENT F ASSIGNEE T REISSUE

The undersigned, assignee of the entire interest in the above-mentioned letters patent, hereby assents to the accompanying application.

STATEMENT BY ASSIGNEE

- ☐ Attached is a "STATEMENT UNDER 37 C.F.R. 3.73(b)," establishing the right of the assignee to take action in this reissue.

Date: _____

Signature of assignee;
*(type or print name of signatory and title if signing
on behalf of an entity)*

(Reissue Application by the Inventor, Offer to Surrender (37 C.F.R. § 1.178)—Assent of Assignee
[17-2]—page 2 of 2)

09895623-062701



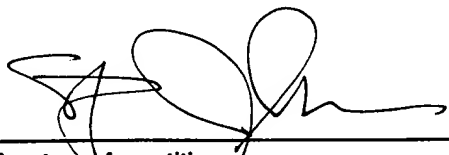
Practitioner's Docket N . 41145-1001

PATENT**REQUEST FOR TRANSFER OF DRAWINGS FROM ORIGINAL PATENT
TO REISSUE APPLICATION**

Please transfer the drawings from original patent, 5,916,242, filed on
March 30, 1999, for the invention entitled Apparatus for Rapid Cooling of the
Brain and Method of Performing Same

to the reissue application, the specification of which:

- ☐ is attached hereto.
☐ was filed on _____, as reissue application num-
ber /



Signature of practitioner

Date: 6/27/01

Stephen A. Slusher
(type or print name of practitioner)

Reg. No.: 43,924

P.O. Box 26927

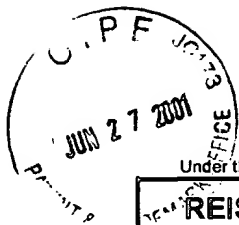
P.O. Address

Tel. No. 505-998-6130

Albuquerque, NM 87125-6927

Customer No.: 005179

10/22/01 10:22:01



REISSUE APPLICATION: CONSENT OF ASSIGNEE; STATEMENT OF NON-ASSIGNMENT		Docket Number (Optional) 41145-1001
This is part of the application for a reissue patent based on the original patent identified below.		
Name of Patentee(s) <u>GEORGE R. SCHWARTZ</u>		
Patent Number	<u>5,916,242</u>	Date Patent Issued <u>June 29, 1999</u>
Title of Invention <u>Apparatus for Rapid Cooling of the Brain and Method of</u>		
<p>1. <input type="checkbox"/> Performing Same Filed herein is a statement under 37 CFR 3.73(b). (Form PTO/SB/96)</p> <p>2. <input checked="" type="checkbox"/> Ownership of the patent is in the inventor(s), and no assignment of the patent is in effect.</p> <p>One of boxes 1 or 2 above must be checked. If multiple assignees, complete this form for each assignee. If box 2 is checked, skip the next entry and go directly to "Name of Assignee".</p> <p>The written consent of all assignees and inventors owning an undivided interest in the original patent is included in this application for reissue.</p>		
The assignee(s) owning an undivided interest in said original patent is/are _____, and the assignee(s) consents to the accompanying application for reissue.		
Name of assignee/inventor (if not assigned) <u>GEORGE R. SCHWARTZ</u>		
Signature	<u>George R. Schwartz</u>	Date <u>21 June 2001</u>
Typed or printed name and title of person signing for assignee (if assigned)		

09895623 062701

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage as Express Mail "Post Office to Address" service, having mailing label number EL 847395679 US in an envelope addressed to: Box Patent Application, Commissioner for Patents, Washington, D.C. 20231, on the date indicated below.



Stacy E. Jenkins
Stacy E. Jenkins, Paralegal

6/27/01
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: GEORGE R. SCHWARTZ

Examiner: Unknown

Serial No.: To Be Assigned

Group Art Unit: 1911

Filed:

Patent No.: 5,916,242

Issued: June 29, 1999

For: APPARATUS FOR RAPID COOLING OF
THE BRAIN AND METHOD OF
PERFORMING SAME

ASSOCIATE POWER OF ATTORNEY

BOX REISSUE
Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Stephen A. Slusher, a principal attorney in the above-identified application for Letters Patent, hereby appoints:

Deborah A. Peacock	Reg. No. 31,649
Paul Adams	Reg. No. 21,096
Jeffrey D. Myers	Reg. No. 35,964
Rod D. Baker	Reg. No. 35,434
Andrea L. Mays	Reg. No. 43,721

as associate attorneys with full power.

Respectfully submitted,

Date: 6/27/01

Stephen A. Slusher, Reg. No. 43,924
Direct line: (505) 998-6130
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09895623-062701